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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,129	11/13/2001	Thomas Tyson Lowery	G04.014	2257
28062 7590 01/09/2008 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840				
			EXAMINER RETTA, YEHDEGA	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>10/061,129</p>	<p><b>Applicant(s)</b></p> <p>LOWERY, THOMAS TYSON</p>	
	<p><b>Examiner</b></p> <p>Yehdega Retta</p>	<p><b>Art Unit</b></p> <p>3622</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/> Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to the Request for Continued Examination (RCE) filed October 24, 2007. Applicant amended claim 1. Claims 1-12 and 14-31 are pending.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over powerbuyerservice.com and further in view of Joao (US 20010037205 A1).

Regarding claims 1, 12, 14, 22, 25, 26, 27 and 30, Powerbuyerservice teaches receiving initial information about a customer for the first part (referral source); wherein the initial information identifies a service and the first party is a referral source (Powerbuyer); identifying second party (service provider) to which to provide the information; providing the second party with the information; receiving updates information regarding said customer (see page 26, also applicant's background page 1). Powerbuyerservice does not teach determining compensation owned by said second party based on at least in part on said updated information and receiving the compensation. Joao teaches the Merchant computer can transmit any and/or all transaction data and/or information such as commissions and/or referral fees due, and/or commissions and/or referral fees paid to, the Content Providers who or which utilize the apparatus of the

present invention ([0002], [009]-[0014], [0022], [0073]). Joao teaches the when it is determined that the user made a purchase or entered into a transaction the merchant calculates transaction commission due to the referring Content Provider. Joao also teaches that the commission can be earned or can be payable to any referring parties including brokers, agents, and/or other referring parties pursuant to any agreed upon terms and/or conditions between the respective parts to the affiliated marketing relationship. *Joao teaches the Merchant computers equipped for processing transactions, to record user information, to ascertain and/or identify referring Content Providers and to maintain transaction and/or referral records and/or information (see [0093])* Joao further teaches the merchant computer transmitting transaction record to the referring Content Provider computer including notification report which notifies the content provider that it has earned a commission and/or referral fee for referring the user to the merchant computer (see [0111] – [0119]). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Joao's referral and commission tracking system so that the referral service provider of Powerbuyerservice can be paid for the service of referring customers, as taught by Joao (see [0073]). *Joao does not explicitly teach the transaction information includes a postal address of the consumer or a telephone number of the customer. Official notice is taken that is old and well known to include customer address or telephone number in user transaction record. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for the transaction of history of Joao to include such information if it is considered necessary to verify the transaction. The claim recites receiving information regarding a customer lead from a first party other than the customer. The*

*Powerbuyerservice web site does not exclude anyone from entering user information that might need service. Therefore, the web site is equipped to receive information from anyone who wants to enter the information. Applicant, in the background, discloses companies use telemarketers, call centers, marketing agents etc., to generate leads for the company. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive the customer information from a referral source, such as telemarketers, call centers or marketing agents and to provide compensation for the service (referral fee), as in Joao, for referring the customer to the service provider.*

Regarding claim 2, powerbuyerservice teaches allowing the first party to provide initial information via a web site ... (see page 1-8).

Regarding claim 3, powerbuyerservice teaches allowing the first part to select the second party allowing the first part to identify a service needed (see page 1-8 and applicant's background page 1).

Regarding claims 4-9 and 16-21, powerbuyerservice teaches determining a service associated with the characteristic of the user; identifying a party that can provide a service... (see applicant's background).

Regarding claims 10-11 and 15, 23, 24, 28, 29, 31, powerbuyerservice does not explicitly teach the second party providing the updated information via a web site ...charging fee to the second part per transaction between the customer and second part, it is taught in Joao (see fig. 3, [0109]-[0111], [0114]-[0117]). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the updated information via the web site, as in Joao, since the transaction is performed online or using

the website and also to charge fee per transaction based on the agreement between the referring site and the service provide, as taught in Joao (see [0115]-[0117]).


***Response to Arguments***

Applicant's arguments with respect to claims 1-12 and 14-31 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Yehdega Retta  
Primary Examiner  
Art Unit 3622

YR